

### **Remarks**

Reconsideration of this application is respectfully requested.

Applicants have decided to not follow through on their claim of foreign priority. Please see the Request to Withdraw Claim of Foreign Priority filed by Applicants on June 14, 2001. Therefore, there will be no certified copy of the German application filed in the present application.

It is indicated that the information disclosure statement (IDS) filed 9/13/02 does not comply with 37 CFR 1.98(a)(2) because copies of some of the cited references were not included. Applicants enclose a copy of a post card stamped by the USPTO which indicates that all 60 references were received. Nonetheless, Applicants will soon file another IDS with copies of the references indicated as missing from the previous IDS.

The drawings have been objected to because reference character "7" has been used to designate both interlock canceling element and magnetic encoding. Applicants point out that on page 31, lines 20-21 of the specification, Applicants identify "an encoding or interlock canceling element 7". Clearly then, Applicants are using the word "encoding" synonymously or interchangeably with the phrase "interlock canceling element". Accordingly, Applicants do not believe any amendment to the drawings is necessary.

The disclosure is objected to because of informalities. Applicant has added headings to the specification. While Applicants believe the original title of the invention was sufficiently descriptive, Applicants have amended the title that further indicates the invention to which the claims are directed.

The Examiner has rejected a number of the claims under 35 USC 112, 2nd paragraph for being indefinite. Claim 1 has been amended to delete "particularly a brush attachment". Lines 1-6 of claim 1 can be considered to be the preamble of a Jepson style of claim. All instances of the phrase

"characterized in that" in the claims have been replaced by the word "wherein". Language has been added to lines 8-9 to further clarify the function of the interlock device. Applicants believe the function of the interlock canceling element is clear: to deactivate the interlock device. Applicants have cancelled "in particular and preferably" in line 9 of claim 1. Applicants have inserted "brushing or" in line 10 of claim 1.

Regarding claim 2, the phrase "brushing or" has been inserted after the first instance of "the" in line 4.

Regarding claim 3, in line 4 the word "attached" has been replaced with the word "coupled". The phrase "brushing or" has been inserted after "attached" in line 4.

As to claim 4, the phrase "provision is made for" has been deleted. The language regarding the switch has been amended. The dependency of claim 4 has been changed from claim 1 to claim 3 to provide antecedent basis for "the encoding detection device". The phrase "positive response of" has been replaced with the phrase "signal from".

Regarding claim 6, Applicants believe the phrase "noncontacting type" is clear in describing the encoding detection device. This means that the encoding detection device does not need to come into physical contact with another element in order to perform its function.

Regarding claim 14, the dependency of claim 14 has been changed from claim 1 to claim 3 to provide antecedent basis for "the encoding detection device". The phrase "brushing or" has been inserted after the word "the" in line 3. The word "particularly" has been replaced by the phrase "more specifically" to further clarify this portion of the claim. The phrase "brushing or" has been inserted before the word "cleaning" in line 7. The phrase "in particular" has been replaced by the phrase "more specifically" to further clarify this portion of the claim.

The dependency of claim 17 has been changed from claim 1 to claim 3 to provide antecedent basis for "the encoding detection device". The phrase "in particular a circuit or the like" has been amended to further clarify the language. In line 4 the word "respective" has been replaced with the phrase "brushing or". In line 5 "attached" has been replaced with "coupled". The word "particularly" has been replaced with the phrase "more specifically" to further clarify this portion of claim 17.

The dependency of claim 20 has been changed from claim 1 to claim 3 to provide antecedent basis for "the encoding detection device". The phrase "in particular" has been deleted from the claim to further clarify the language.

In claim 21, Applicants have deleted the phrase "the prior art portion of". In line 3 the word "an" has been replaced with the word "the" to further clarify this portion of the claim. The language "associated with..." has been deleted from the claim. The language "Being in particular" has been deleted from claim 21. The word "the" has been replaced by the word "a" before "handle housing".

Applicants have added "a housing" to claim 23. The language "in particular a brush attachment" has been deleted. Applicants believe it is clear from the claim language that the interlock canceling element deactivates the interlock device. Applicants have amended claim 23 to further clarify the interlock device.

In claim 24 the word "acting" and the phrase "acting function" have been deleted from the claim. Applicants believe the changes to claim 24 further clarify the meaning of this claim.

In claim 25 Applicants have deleted the last 6 words of the claim, thus obviating the Examiner's concerns.

In claim 26 Applicants have added language to further define "coils". The phrase "are assigned" has been replaced by the word "have", further clarifying this portion of the claim.. The word "the" has been replaced with the word "a" before "received signal" thereby obviating the lack of an antecedent basis.

In claim 27 Applicants have deleted the phrase "particularly a shaped body". The lack of antecedent basis for "the body of the cleaning tool" has been addressed. The word "a" has been added before "coupled condition" at the end of the claim.

In claim 34 the lack of antecedent basis for "the body" has been addressed.

In claim 35 the antecedent basis issue for "body" has been addressed. The claim has been amended to address the issue with the phrase "preferably releasably".

Claims 37 and 38 have been deleted.

Claims 1-2, 5, 23 and 34-35 are rejected under 35 USC 102(b) as being clearly anticipated by JP08-275961. Applicants have emended claims 1 and 23 to indicate "that when the brushing or cleaning tool is coupled to the coupling section of the handle, the interlock canceling element (7) is responsive to a first signal from the dental cleaning or brushing device (1, 2) to return a second signal receivable by the interlock device (100).." In the JP reference, there is no such disclosure. Unless the Examiner can point to this disclosure in JP08-275961, this reference does not anticipate amended claims 1 and 23 nor the claims depending from claims 1 and 23.

Claims 1-2, 5, 23 and 34-35 are rejected under 35 USC 102(b) as being clearly anticipated by JP08-117030. Claim 1 calls for " an interlock device (100), for preventing operation of the drive mechanism, which is deactivatable

by an interlock canceling element (7) provided on the brushing or cleaning tool." JP08-117030 makes no such disclosure. The Examiner points to elements 2, 3 and 6 in figure 1 of JP08-117030. Element 2 is a minus electrode, element 3 is a bearing bar for the minus electrode, and element 6 is a grip hand side plus electrode. Upon a close reading of this reference, it becomes clear that a small electrical current is being applied to the teeth in order to assist in removing plaque from teeth. There is no disclosure whatsoever in JP08-117030 about an interlock device which can prevent operation of a drive mechanism, the interlock device being deactivatable by an interlock canceling element on a brushing or cleaning tool. If the Examiner cannot point out such disclosure specifically in this reference, then JP08-117030 cannot anticipate claim 1 and its dependent claims. This argument also applies to claim 23 and its dependent claims.

Claims 21 and 38 are rejected under 35 USC 103(a) as being unpatentable over JP08-275961. Claim 21 depends from claim 1 and is patentable over this reference for at least the same reasons as provided above. Claim 38 has been cancelled.

Claims 21 and 38 are rejected under 35 USC 103(a) as being unpatentable over JP08-117030. Claim 21 depends from claim 1 and is patentable over this reference for at least the same reasons as provided above. Claim 38 has been cancelled.

Applicants wish to thank the Examiner for indicating the allowability of claims 3-4, 6, 14, 17, 20 and 24-27. Claim 3 has been put into independent form and claims 4, 6, 14, 17 and 20 depend from claim 3. Claims 24, 25 and 27 have each been put into independent form, and claim 26 depends from claim 25. Therefore, all of these claims should be allowable.

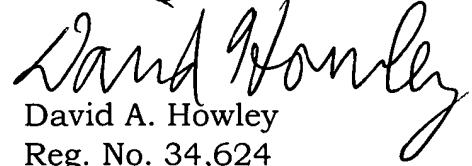
New claim 39 has been added.

Appln. Ser. No. 09/811,080  
Amdt. mailed on July 6, 2004  
Response to Office Action of Feb. 3, 2004

Applicants believe claims 1-6, 14, 17, 20, 21, 23-27, 34, 35 and 39 are  
in condition for allowance and such action is earnestly requested.

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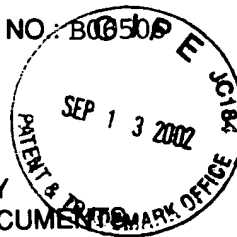
**27199**

PATENT TRADEMARK OFFICE



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DOCKET NO. B00509



THE U.S. PATENT AND TRADEMARK OFFICE HEREBY  
ACKNOWLEDGES RECEIPT OF THE FOLLOWING DOCUMENTS  
ON THE DATE STAMPED HEREON:

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<input checked="" type="checkbox"/> PTO-1449 (5 PP) WITH 60 REFS.		<input type="checkbox"/> APPEAL BRIEF
<input type="checkbox"/> DECLARATION <input type="checkbox"/> R.131 <input type="checkbox"/> R.132		<input type="checkbox"/> PCT DEMAND
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MAILED: September 10, 2002